



January 17, 2003

Ms. Marlene H. Dortch
Federal Communications Commission
445 12th Street, S.W., Room 1-A836
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentation in CC Docket No. 01-338

Dear Ms. Dortch:

Pursuant to Sections 1.1206(b)(2) of the Commission's Rules, this letter is to provide notice in the above-captioned docketed proceedings of an *ex parte* meeting on January 16, 2003, by Jonathan Askin of the Association for Local Telecommunications Services (ALTS), Julia Strow of Cbeyond Communications, Kevin Joseph of Allegiance Telecom, Ed Cadieux of NuVox Communications, Pat Donovan of Swidler, Berlin, John Heitmann of Kelley, Drye, and Thomas Jones of Willkie, Farr. The parties met with Christopher Libertelli, Legal Advisor to Chairman Powell. During the meeting, the parties generally discussed CLEC concerns regarding the above-captioned proceeding. More detailed discussions of the parties' positions are contained in the parties' comments, reply comments and prior written *ex parte* submissions in the above-captioned proceeding.

The parties emphasized the need for the FCC to ensure that ILECs provide unbundled access to loops, transport and enhanced extended links. The parties stressed that the FCC fill the existing loopholes that effectively preclude CLECs from obtaining UNEs and UNE combinations (*e.g.*, erroneous Bell arguments that facilities are not available for a wholesale customer seeking UNEs, but would be available for a retail customer seeking special access; misapplication of use restrictions to preclude CLEC access to EELs). The parties discussed the inevitable setbacks to telecom competition if the FCC were to deny CLECs unbundled access to these bottleneck facilities. The parties stressed that the facts show that access to unbundled loops, transport and EELs is still critical to CLECs' ability to compete. Furthermore, the parties indicated that, whatever new rules or rule modifications the FCC adopts, the FCC must not allow the ILECs to find ever new loopholes to effectively preclude CLEC access to UNEs and UNE combinations. The parties further emphasized the need for clear presumptions favoring UNE provisioning and procedures to ensure swift enforcement of the FCC UNE provisioning rules.

If you have any questions about this matter, please contact me at 202-969-2587.

Respectfully submitted,
/s/
Jonathan Askin

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